

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOHN T. JOSEY,	§
	§
V.	§ CIVIL ACTION 4:10-CV-539-Y
	§ (Consolidated with Nos.
	§ 4:10-CV-658 and 4:10-CV-659-Y)
DAVID WALKER, Sheriff,	§
Wise County, Texas	§

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this consolidated petition under 28 U.S.C. § 2241 brought by John T. Josey, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on February 9, 2011; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on March 3, 2010.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, that Respondent's motion to dismiss must be granted, and the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of exhaustion, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Respondent Walker's motion to dismiss (doc. 34) is GRANTED. All motions not previously ruled upon are DENIED as moot.

John T. Josey's petition for writ of habeas corpus under 28

U.S.C. § 2241 is DISMISSED without prejudice.

Signed March 10, 2011.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE